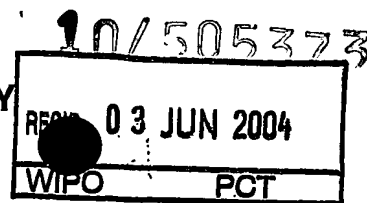



PATENT COOPERATION TREATY

REG'D PCT/57 20 AUG 04

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT/GERBERTR		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/ZA 03/00022	International filing date (day/month/year) 12.02.2003	Priority date (day/month/year) 22.02.2002	
International Patent Classification (IPC) or both national classification and IPC G01G19/02			
Applicant GERBERT, Rudiger, Heinz			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 2 sheets.</p>			
<p>3. This report contains indications relating to the following items:-</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the opinionII <input type="checkbox"/> PriorityIII <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input type="checkbox"/> Certain observations on the international application			
Date of submission of the demand 09.09.2003		Date of completion of this report 01.06.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Grand, J-Y Telephone No. +49 89 2399-2472	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/ZA 03/00022**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-12 received on 10.05.2004 with letter of 03.05.2004

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/ZA 03/00022**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
- (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 11,12
- because:
- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 11,12 are so unclear that no meaningful opinion could be formed (*specify*):
- see separate sheet**
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/ZA 03/00022**

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability.

The dependent **claims 11 and 12** do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. These claims attempt to define the subject-matter in terms of reference to the disclosure and the drawings contrary to Art. 6 PCT (see also the PCT Gazette, Section IV, §III-4.10).

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.

1. Lack of inventive step

The following point has to be taken into account when assessing inventive step of the subject-matter of independent apparatus **claim 1**.

i) The features "the pad is including a grooved lower surface made from an elastic material so as to enhance dispersion, in use, of fluids trapped between the pad and a surface on which the pad rests when a downward force is applied to the pad" in the independent apparatus claim 1 relate to a method of using ("in use") the apparatus rather than clearly defining the apparatus in terms of its technical features, and furthermore define the subject-matter of the claim in terms of the result to be achieved ("so as to enhance dispersion"). Such a formulation is not allowable because it appears possible to define the subject-matter in more concrete technical terms, viz. in terms of how the effect is to be achieved.

Independent apparatus claim 1

The present application does not meet the requirements of Article 33(1) PCT, because the subject-matter of **claim 1** does not involve an inventive step in the sense of Article 33(3) PCT.

Document D3, which is considered to represent the most relevant state of the art, discloses a weight sensor accessory pad suitable for placement at the bottom of a weight sensor (title, abstract and figures 1 to 4), the pad including a lower surface ("projected parts (2)") made from an elastic material (polymer having predetermined elasticity) so as to enhance dispersion, in use ("pressure-sensitive"), of fluids trapped between the pad and the surface on which the pad rests (abstract and figures 1 to 4 - The pad of D3 includes a plurality of cells made of a pressure-sensitive elastic material so as to convert the downward force to a compression force. As a matter of fact, the

fluid film trapped between the pad and the ground is efficiently dispersed into the cells (fig. 3 and 4) and per se the fluid dispersion is enhanced in comparison to a pad having no cells at all - As a result of that dispersion of fluids, the pad does not slip).

The subject-matter of claim 1 differs from the subject-matter of D3 in that the lower surface has grooves.

The problem to be solved by the present invention may therefore be regarded as to provide an alternative solution in order to enhance dispersion of fluids.

However, each of D1 and D2 discloses a weight sensor including a grooved lower surface (D1: base (16); D2 (base (10))). The examining division is of the opinion that the grooves in the weight sensors disclosed in D1 and D2 are configured to enhance fluid dispersion in comparison to weight sensors having no grooves at all. In fact, the fluid film trapped between the weight sensor and the ground is automatically dispersed along the grooves and away from the sensor as soon as the sensor is put onto the ground. This is due to the weight of the sensor itself which is applied to the fluids film when the sensor is put onto the ground. As a result of the dispersion of fluids, the weight sensors of D1 and D2 do not slip.

Hence, the grooves described in each of D1 and D2 are providing the same advantages as in the present application.

The skilled person would therefore regard it as a normal design possibility to combine the advantages of an elastic pad (enhanced dispersion due to pressure-sensitivity) as disclosed in D3 with the advantages of a grooved lower surface (enhanced dispersion due to configuration) as disclosed in document D1 or D2, hereby slightly modifying the pad of D3 with corresponding effect, thereby arriving at a pad according to **claim 1**.

Dependent claim 3

The grid pattern is known from D3 (fig. 1).

Dependent claims 2, 4-10

In these claims slight constructional changes in the pad claim 1 are defined which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject-matter of these claims lacks an inventive step.

AMENDED PAGE

CLAIMS

1. A weight sensor accessory pad for placement at the bottom of a weight sensor, the pad including a grooved lower surface made from an elastic material so as to enhance dispersion, in use, of fluids trapped between the pad and a surface on which the pad rests when a downward force is applied to the pad.
2. A pad as claimed in claim 1, which includes a grooved upper surface, the grooves being configured to enhance dispersion, in use, of fluids trapped between the pad and the bottom of the weight sensor when a downward force is applied to the pad.
3. A pad as claimed in either one of claims 1 or 2, wherein the grooves are configured to form a grid pattern.
4. A pad as claimed in any one of claims 1 to 3, wherein the grooves are configured to form a tread pattern similar to or the same as that of a motor vehicle tyre.
5. A pad as claimed in any one of claims 1 to 4, which is shaped and configured to compliment the bottom of the weight sensor.
6. A pad as claimed in any one of claims 1 to 5, which is shaped and configured for fitment to the bottom of a weight sensor.
7. A pad as claimed in claim 6, which is shaped and configured for fluid tight fitment to the bottom of a weight sensor so that fluids are prevented from entering between the pad and the bottom of the weight sensor.
8. A pad as claimed in claim 7, which includes a rim around the perimeter thereof, which rim is shaped and configured for fluid tight fitment of the pad to the bottom of a weight sensor.

AMENDED PAGE

9. A pad as claimed in any one of claims 1 to 4, which forms a bottom portion of a housing for a weight sensor, the housing being made from fluid-impervious material and the housing being shaped and configured to completely enclose the weight sensor in a fluid tight manner.

5

10. A pad as claimed in claim 9, wherein the housing is shaped and configured so that the housing can be fitted into a container for a weight sensor.

10

11. A pad as hereinbefore generally described.

12. A pad as specifically described with reference to or as illustrated in the accompanying drawings.

15